

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

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| In re: | : | MDL Docket No. 4:03-cv-01507-WRW |
| | : | 4:06-cv-01698-WRW |
| PREMPRO PRODUCTS LIABILITY LITIGATION | : | |
| | : | |
| | : | |
| ANNA MCCANDLESS | : | PLAINTIFF |
| | : | |
| v. | : | |
| | : | |
| WYETH, et al., | : | DEFENDANTS |

ORDER

Pending is Defendant IVAX Pharmaceuticals, Inc's Motion to Dismiss Plaintiff's Fraud Claims in Counts 45, 46, and 48 (Doc. No. 20). Plaintiff has not responded and the time for doing so has passed. Additionally, in a May 30, 2007 letter, I informed Plaintiff that the motion was pending, and advised that if she did not respond to the motion by 5:00 p.m., Tuesday, June 5, 2007, the motion would be granted.¹ Still, no response has been filed.

Accordingly, Defendant IVAX Pharmaceuticals, Inc's Motion to Dismiss Plaintiff's Fraud Claims in Counts 45, 46, and 48 (Doc. No. 20) is GRANTED. Accordingly, Counts 45, 46, and 48 of Plaintiff's complaint are DISMISSED.

IT IS SO ORDERED this 12th day of June, 2007.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 22.